

### **REMARKS/ARGUMENTS**

This amendment is submitted as a supplement to the Response to the Final Office Action filed June 20, 2005. This supplemental response is being submitted to further amend the language of claim 1 of the application. In the response filed June 20, 2005, limitations were inadvertently added to the claim that are not believed necessary to distinguish the claim over the prior art cited in the Final Office Action. Therefore, the claim has been amended to delete the unnecessary language from the claim.

It is respectfully submitted that the claim is patentable over the prior art patent to Bahler, US Patent 6,749,637, as claim 1 recites that **"a locus of instantaneous centers of rotation ( $C_1$ ) of said first convex articulation surface ( $S'_1$ ) with respect to the concave humeral or femoral articulation surface ( $S_1$ ) and a locus of instantaneous centers of rotation ( $C_2$ ) of said second convex articulation surface ( $S'_2$ ) with respect to said glenoid or cotyloid articulation surface ( $S_2$ ), are located on opposite sides of said first convex articulation surface ( $S'_1$ ) thereby facilitating movement of abduction of the prosthesis."**

The Examiner's attention is directed to the Summary of the

Invention section of the present application wherein the object of the invention is clearly stated:

**"This prosthesis is characterized in that the locus of the instantaneous centres of rotation of the first convex articulation surface with respect to the concave humeral or femoral articulation surface, and the locus of the instantaneous centres of rotation of the second convex articulation surface on the glenoid or cotyloid articulation surface, lie on either side of the first convex surface.**

**Thanks to the invention, in the case of a shoulder prosthesis, the lever arm of the deltoid muscle exerting the effort of abduction of the humerus on the shoulder is great, which facilitates the abduction thanks to a slide of the concave humeral articulation surface with respect to the first convex articulation surface of the intermediate element. In the case of a hip prosthesis, the abduction of the femur, which is controlled by the gluteus medius muscle, is facilitated."**

Attached to this supplemental response is a copy of Fig. 1 of the Bahler reference wherein the centers of rotation  $C_1$  of surfaces 43 and 35 and  $C_2$  of surfaces 75 and the concave portion of 85 are both located on the same side of the convex surface 35, that is to the upper right of the surface 35 as shown, when the prosthesis is assembled. Therefore, the reference cannot have the centers on opposite sides of the first convex surface as defined by claim 1 of the present invention.

Appl. No. 10/612,296 response filed June 29, 2005 to Office Action dated March 18, 2005

In view of the foregoing, reconsideration and allowance of this application is respectfully solicited. As this supplemental response is being filed after the shortened statutory period, a separate request for a one month extension of time until July 18, 2005, is submitted herewith.

Respectfully submitted,

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